

January 20, 1939

Hon. George Van Fleet  
Actuary of the Board  
Board of Insurance Commissioners  
Austin, Texas

Dear Mr. Van Fleet:

Opinion No. 0-157

Re: Filing fees applicable to county  
mutual fire insurance companies.

In your letter of January 16, 1939, you asked this Department to determine the correct fee applicable for a county mutual fire insurance company to pay to the Board of Insurance Commissioners for filing its annual statement.

Article 4860a-20, Section 3, provides for the fees to be paid for filing an application for a permit to write insurance as well as the fee for the renewal of such permit. This article is clearly applicable to those individuals who desire to form a county mutual insurance company and who make application to the Board of Insurance Commissioners of the State of Texas for permission to solicit insurance on the mutual or cooperative plan and the fees therein provided for are fees covering the services therein enumerated before the charter of the corporation is granted.

Article 4860a-20, Section 5c, provides for the fee to be paid to the Board of Insurance Commissioners of the State of Texas for the granting of the charter and provides that such fee shall be \$50.00 and is to be paid only when the other requirements of Section 5 of such article have been fully met and complied with. This article contains no provision for the collection of fees for the filing of the annual statement.

Article 4860a-14 provides that every such mutual insurance company, whether organized within or without the state, shall be subject to, except as otherwise provided by law, all general provisions of law applicable

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to stock insurance companies transacting the same kinds of insurance, and shall make its annual report and submit to such examination as might be required by the Board.

Article 4860a-17 provides that every such company, whether organized within or without the state, shall be subject to such fees as are now provided by law for stock companies doing the same kind of business.

It is apparent to the writer, therefore, Article 4860a nor none of its subdivisions provide for the fee due the Board of Insurance Commissioners for filing its annual statement. In view of the language of Articles 4860a-14 and 4860a-17, we must look to other statutes for the authority for the collection of this fee.

Article 3920 provides that a filing fee of \$20.00 shall be paid to the Board of Insurance Commissioners by an insurance company filing its annual statement.

You are, therefore, respectfully advised that it is the opinion of this Department that a filing fee of \$20.00 should be charged a county mutual fire insurance company for filing its annual statement.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By (Signed) Lloyd Armstrong  
Assistant

LA:AW

APPROVED:

(Signed) Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS